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Cb w/  
photoIN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIAFILED  
HARRISBURG

NOV 13 2000

MARY E. D'ANDREA, CLERK  
Per

DEPUTY CLERK

JOHN RICHARD JAE,  
Plaintiff

NO. 1:00-CV-1534

v.

CHIEF JUDGE SYLVIA H. RAMBO -  
(MAGISTRATE JUDGE SMYSER)WEXFORD HEALTH SERVICES,  
INC.,

Defendant

CIVIL ACTION  
JURY TRIAL DEMANDEDDEFENDANT WEXFORD HEALTH SERVICES, INC.'S MOTION  
TO REVOKE PLAINTIFF'S IN FORMA PAUPERIS STATUS

AND NOW, comes Defendant, Wexford Health Services, Inc., by and through its attorneys, Lavery, Faherty, Young & Patterson, P.C., and files this Motion to Revoke Plaintiff's *In Forma Pauperis* Status and in support thereof, avers as follows:

1. On August 28, 2000, John Richard Jae, a *pro se* prisoner at the State Correctional Institution-Camp Hill (hereinafter, "SCI-Camp Hill"), initiated this civil action by filing a Complaint against Dr. Robert Clark pursuant to 42 U.S.C. § 1983 arising out of the medical care which he received at that facility.

2. By Order dated September 8, 2000, this Honorable Court granted Plaintiff's request to proceed *in forma pauperis* and directed the Clerk of Court to serve Plaintiff's Complaint on the Defendant in accordance with Fed.R.Civ.P. 4.

3. On at least twelve prior occasions, Plaintiff has had federal actions or appeals dismissed as legally frivolous. See, Exhibit "A," documents in support of Motion to Revoke *In Forma Pauperis* Status.

4. During 1998, in two separate cases, this Honorable Court revoked Plaintiff's *in forma pauperis* status pursuant to 28 U.S.C. §1915(g) and then dismissed all three civil actions after Plaintiff failed to pay the filing fee in full. See, Exhibit "B," Documents in Support of Motion to Revoke *In Forma Pauperis* Status.

5. In a Report and Recommendation dated July 19, 2000, Magistrate Judge Smyser granted Defendant's motion to revoke inmate Jae's *in forma pauperis* status in the matter of John Richard Jae v. Dr. Laskey, M.D., Medical Director, Civil No. 1:CV-99-1610. See Exhibit "C", Documents in Support of Motion to Revoke *In Forma Pauperis* Status.

6. Pursuant to 28 U.S.C. § 1915(g), Plaintiff is not entitled to proceed *in forma pauperis* in this action and should be required to pay the filing fee in full before proceeding any further.

7. Plaintiff's Complaint does not allege any facts establishing that he is in imminent danger of serious physical harm.

WHEREFORE, Defendant, Wexford Health Services, Inc., respectfully requests this Honorable Court grant its Motion to Revoke *In Forma Pauperis* Status and enter the accompanying Court Order.

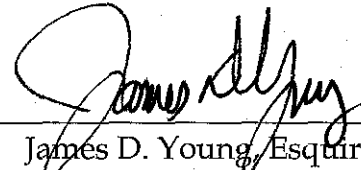
Respectfully submitted,

LAVERY, FAHERTY, YOUNG &  
PATTERSON, P.C.

Date: \_\_\_\_\_

11/12/00

By: \_\_\_\_\_



James D. Young, Esquire  
Attorney I.D. #53904

P.O. Box 1245

Harrisburg, PA 17108-1245

(717) 233-6633

Attorney for Defendant,

Wexford Health Services, Inc.

CERTIFICATE OF SERVICE

I, Linda L. Gustin, an employee of the law firm of Lavery, Faherty, Young & Patterson, P.C., do hereby certify that on this 13<sup>th</sup> day of November, 2000, I served a true and correct copy of the foregoing MOTION TO REVOKE PLAINTIFF'S *IN FORMA PAUPERIS* STATUS via U.S. First Class mail, postage prepaid, addressed as follows:

John Richard Jae \*Legal Mail\*  
Inmate #BQ-3219  
SCI-Greene  
630 Jefferson Road  
Waynesburg, PA 15370

Linda L. Gustin  
Linda L. Gustin